

Snell & Wilmer
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ddragoo@swlaw.com

September 2, 2016

VIA E-MAIL; CERTIFIED MAIL

Lynn Kunzler
Assessment Officer
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

Re: Appeal of Fact of Violation and Proposed Penalty Assessment -NOV #MN-
2016-60-2, Tar Sands Holdings II, LLC, Asphalt Ridge 2, M/47/0032

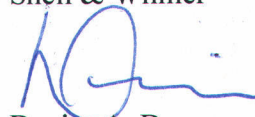
Dear Lynn:

On behalf of Tar Sands Holdings II, LLC (TSHII), we respectfully request an informal conference pursuant to R647-7-106 in the above-entitled matter. We are in receipt of the proposed penalty assessment dated August 11, 2016 and served on September 1, 2016. We previously requested an informal conference in this matter by letter dated April 7, 2016. This correspondence included Stantec's response to the NOV as well as the extensive the site cleanup report and waste characterization report prepared by Enviro Care, Inc. in 2014. TSHII contests the fact of violation and the proposed penalty assessment.

Please let me know the proposed date and time for the conference.

Very truly yours,

Snell & Wilmer



Denise A. Dragoo

DAD:mkm
Enclosures

cc: Paul Baker
Michael Cicchella
Scott Rasmussen, Esq.
Brent Andrews, Esq.

M/047/0032

April

Lynn

Vickie

DENVER
LAS VEGAS
LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

RECEIVED

SEP 06 2016

DIV. OF OIL, GAS & MINING



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APR 07 2016

DIV. OF OIL, GAS & MINING

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RENO
SALT LAKE CITY
TUCSON

April 7, 2016

VIA HAND DELIVERY

April Abate
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

Re: Tar Sands Holdings II, LLC, Abatement of March 23, 2016 Notice of Violation,
Citation No. MN-2016-60-02, M/047/0032

Dear April:

Enclosed on behalf of Tar Sands Holdings II ("TSHII") is a CD containing a report and related attachments from Stantec confirming that the NOV has been abated. We request that the Division terminate the NOV. As stated in Stantec's report, the attached letter from Enviro Care confirms that the four 55 gallon drums cited in the NOV are not hazardous waste but contain froth tailings which can be reprocessed at the Asphalt Ridge 2 facilities. TSHII contests the fact of violation and requests DOGM to vacate the NOV without penalty. Should a penalty be assessed, TSHII requests informal conference, in accordance with R647-7-106.

We appreciate your consideration in this matter.

Very truly yours,

Snell & Wilmer

Denise A. Dragoo

DAD:mkm
Enclosures

cc: Jon Schulman
Josh Greenwood
Brent Andrews, Esq.
Scott Rasmussen, Esq.